

**SUBSTANTIAL AMENDMENT TO THE  
PROGRAM YEAR 2008 ANNUAL ACTION PLAN**

**for**

**THE COMMUNITY DEVELOPMENT  
BLOCK GRANT RECOVERY PROGRAM  
(CDBG-R)**

**SUBMITTED BY:**

**Shelby County, Tennessee**

**Department of Housing**

**1075 Mullins Station Road**

**Memphis, TN 38134**

**(901) 379-7100**

**A C WHARTON, JR., MAYOR**

**JIM VAZQUEZ, DEPARTMENT ADMINISTRATOR**

**Shelby County, Tennessee**

**Department of Housing**

Para mas información en Español, por favor llame  
al 901-545-4265 o por correo electrónico (E-mail) a

[ivette.monzon@shelbycountyttn.gov](mailto:ivette.monzon@shelbycountyttn.gov)

## **TABLE OF CONTENTS**

EXECUTIVE SUMMARY .....	Page 2
A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES .....	Page 3
B. CDBG-R INFORMATION BY ACTIVITY .....	Page 5
C. PUBLIC COMMENT .....	Page 11
CERTIFICATIONS .....	Page 14
CDBG-R SUBSTANTIAL AMENDMENT GRANTEE CHECKLIST .....	Page 18

## **LIST OF TABLES**

Table1. CDBG-R Activity Data Spreadsheet .....	Page 4
--	--------

## **LIST OF MAPS**

Map 1. Dixon-Robinson Water Line - Arlington .....	Page 5
Map 2. West Street Sidewalk Improvements - Collierville .....	Page 7
Map 3. Old Town Water Service - Millington .....	Page 9

## **LIST OF FIGURES**

Figure 1. Public Notice (May 22, 2009) .....	Page 12
--	---------

# **THE CDBG-R SUBSTANTIAL AMENDMENT**

Jurisdiction(s): <u>Shelby County, Tennessee</u>	CDBG-R Contact Persons: Jim Vazquez Scott Walkup
Jurisdiction Web Address:  www.shelbycountyttn.gov	Address: 1075 Mullins Station Road Memphis, TN 38104  Telephone: (901) 379-7100 Fax: (901) 379-7129  Email: jim.vazquez@shelbycountyttn.gov scott.walkup@shelbycountyttn.gov

## ***EXECUTIVE SUMMARY***

This is the second amendment to the 2008 Shelby County Annual Action Plan submitted to the U.S. Department of Housing and Urban Development (HUD) by the Shelby County Department of Housing (SCDH). The first amendment was for the Neighborhood Stabilization Program (NSP) and was approved by HUD in February of 2009. This amendment is for the Community Development Block Grant Recovery Program (CDBG-R).

Title XII of Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-005, approved February 17, 2009) appropriated \$1 billion to carry out the CDBG program under Title I of the Housing and Community Development Act of 1974 (42U.S.C. 5301, et seq.) (HCDA) on an expedited basis. These funds were to be distributed to grantees that received CDBG funding in Fiscal Year (FY) 2008 in accordance with the provisions of 42 U.S.C. 5306. This grant program under Title XII is commonly referred to as the CDBG Recovery (CDBG-R) program. Under the allocation formula for distribution of CDBG-R funds to grantees receiving CDBG funding in FY2008, Shelby County was awarded \$276,897.00 in CDBG-R funds for the Shelby County Urban Entitlement Area which comprises unincorporated Shelby County, Arlington, Bartlett, Collierville, Germantown, Lakeland and Millington.

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care.

HUD has expressed its desire that CDBG-R grantees carefully evaluate proposed activities for consistency with the overarching goals of the Recovery Act, especially the above-cited purposes. To this extent, HUD has strongly urged grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the HUD has strongly

suggested that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting activities for CDBG-R funding. With these purposes and emphasis in mind, SCDH coordinated with the Shelby County Urban County Consortium (UCC) to identify and recommend activities that would meet the CDBG-R requirements and address community development needs in the Shelby County Urban Entitlement Area. The UCC consists of representatives from each municipality in Shelby County participating in the Urban County (Arlington, Bartlett, Collierville, Lakeland, and Millington). The UCC is an integral part of the Consolidated Plan planning process, especially with respect to preparing the 5 Year Strategy for Housing and Community Development, Annual Plans, and Consolidated Annual Performance and Evaluation Reports concerning the expenditure of CDBG funding. SCDH's planning management process draws from representatives of the Urban County Consortium (UCC) in an effort to maximize fund use and insure that activities are realistic and viable. This same process was utilized in identifying activities for potential CDBG-R funding. As in the CDBG planning process, the UCC requested CDBG-R funding for activities in their respective communities, with the UCC as a whole evaluating each activity and determining funding prioritization and compliance with goals and objectives of the CDBG-R guidelines.

The UCC recommended that the \$276,897.00 in CDBG-R funds awarded to the Shelby County Urban Entitlement Area be used to fund the following three community development activities in the amounts identified below:

Dixon-Robinson Water Line (Arlington, TN)	\$152,450.00
West Street Sidewalk Improvements (Collierville, TN)	\$71,897.00
Old Town Water Service Improvements (Millington, TN)	\$52,550.00
<b>Total</b>	<b>\$276,897.00</b>

SCDH does not propose spending any CDBG-R funds for administrative and planning or public services.

In order to solicit input from the public regarding this substantial amendment to the Consolidated Plan for CDBG-R, SCDH made available a draft copy of this amendment for public review and comment for the seven day period beginning May 22, 2009 and ending May 28, 2009.

#### ***A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES***

The spreadsheet depicted as Table 1. provides information concerning CDBG-R assisted activities using an electronic spreadsheet provided by HUD. The information that must be reported in the spreadsheet includes activity name, activity description, CDBG-R dollar amount budgeted, eligibility category, national objective citation, additional Recovery Act funds for the activity received from other programs, and total activity budget.

**TABLE 1. CDBG-R Activity Data Spreadsheet**

Jurisdiction/Grantee Name: SHELBY COUNTY, TENNESSEE		CDBG-R Formula Grant Amount: \$276,897.00				Date:	
<b>Activity Name</b>	<b>Activity Description</b>	<b>Eligibility (Regulatory or HCDA Citation)</b>	<b>National Objective Citation</b>	<b>CDBG- R Project Budget (\$)</b>	<b>Additional Recovery Funds (\$)</b>	<b>Other Leveraged Funding (\$)</b>	<b>Total Activity Budget</b>
Dixon-Robinson Water Line	Constructing and extending approximately 2,000 linear feet of public utility water and fire hydrants to replace water wells in the Dixon-Robinson Community in Arlington.	570.201(c)	570.208(a)(1)	152,450	\$0.00	\$0.00	152,450
West Street Sidewalk Improvements	Constructing approximately 500 feet of sidewalk and gutter improvements including 7 accessible ramps and associated landscaping along West Street in Collierville at Harris St, Harris Park St., and Sunflower Ave.	570.201(c)	570.208(a)(1)	\$71,897	\$0.00	\$0.00	71,897
Old Town Water Service Improvements	Water main upgrades in Old Town Millington including upgraded main (4" to 6") and one new hydrant on B St. at Third St. and extension of 440' of 12" new main and 6" extension to one new hydrant on Easley Ave. at Church St.	570.201(c)	570.208(a)(1)	\$52,550	\$0.00	\$0.00	52,550

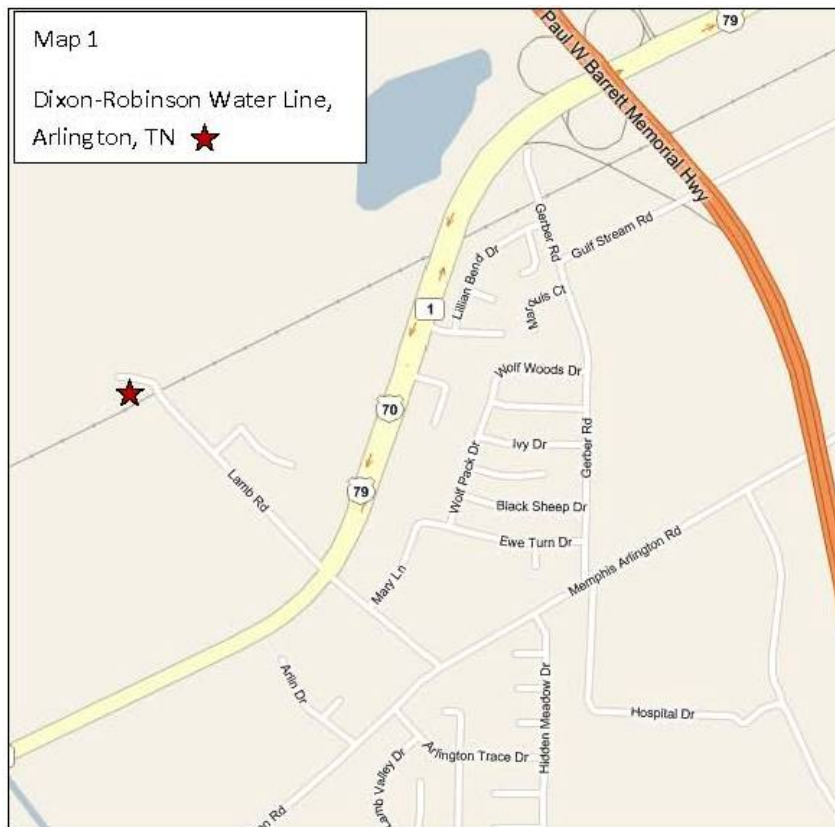
## ***B. CDBG-R INFORMATION BY ACTIVITY***

SCDH does not propose spending any CDBG-R funds for administrative and planning or public services. All three CDBG-R funded activities meet the criteria for national objectives found at 24 CFR 570.208(a)(1) *Activities benefiting low- and moderate-income persons*. Accordingly, 100% of the CDBG-R grant amount will benefit persons of low- and moderate-income.

For each of the three CDBG-R activities proposed by Shelby County, the following includes the activity name, narrative description, job creation information, additional activity information requested by HUD, and identification of the responsible organization:

### **Activity 1.**

- (1) Activity Name: **Dixon-Robinson Water Line**
- (2) Activity Narrative: This activity will provide for the installation of a water line to residents of the Dixon-Robinson community in Arlington by constructing and extending approximately 2,000 linear feet of public utility water and fire hydrants for families residing north of CSX Railroad. In addition to providing public water service, this activity will also result in improved fire protection. Map 1. depicts the location of this proposed activity.



Shelby County's use of CDBG-R funds for this activity will meet the requirements of Title XII of Division A and Section 1602 of ARRA as Shelby County has given priority to this activity because a contract can be awarded within 120 days of the grant agreement.

This activity is eligible under 24 CFR 570.201(c) *Public Facilities and Improvements*. This activity meets the criteria for national objectives found at 24 CFR 570.208(a)(1) *Activities benefiting low- and moderate-income persons*.

The use of CDBG-R funds for this activity will maximize job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by:

- Preserving and creating jobs and promoting economic recovery by preserving public utility workers jobs to construct a water line for people that do not have utility water available and spurring the purchase of construction materials.
  - Assisting those most impacted by the recession through making public utility water available to four families that are low- and moderate- income and reducing the possibility of contaminated well water use.
  - Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits by preventing ground water contamination through the provision of public utility water and eliminating the need for individual well water.
  - Minimizing or avoiding reductions in essential services by freeing water service from electricity dependency by eliminating the need for well pumps.
  - Fostering energy independence by providing public utility water while eliminating the need for private wells and the electricity necessary to operate the pumps.
- (3) Jobs Created: This activity is estimated to provide 4 full-time jobs (including permanent, construction and temporary jobs) during the life of the activity.
- (4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.) This activity will promote energy conservation by providing potable drinking water while reducing ground water pollution for four families that are currently using well water and by eliminating the need for electricity to operate their well pumps.
- (5) Responsible Organization: The Shelby County Department of Housing (SCDH) is the lead agency responsible for administering this CDBG-R funded activity and will contract with the Town of Arlington to complete this activity. SCDH will be responsible for environmental review and compliance monitoring associated with this activity.

Shelby County Department of Housing  
1075 Mullins Station Road  
Memphis, Tennessee 38134  
Telephone: (901) 379-7100  
Fax: (901) 379-7129  
Contacts and Titles: Jim Vazquez, Administrator and Scott Walkup, Planning Manager  
Contacts' e-mail addresses: [jim.vazquez@shelbycountyn.gov](mailto:jim.vazquez@shelbycountyn.gov)  
[scott.walkup@shelbycountyn.gov](mailto:scott.walkup@shelbycountyn.gov)

(1) Activity Name: **West Street Sidewalk Improvements**

- 
- Map 2:  
West Street Sidewalk Improvements  
Collierville, TN



Shelby County's use of CDBG-R funds for this activity will meet the requirements of Title XII of Division A and Section 1602 of ARRA as Shelby County has given priority to this activity because a contract can be awarded within 120 days of the grant agreement.

This activity is eligible under 24 CFR 570.201(c) *Public Facilities and Improvements*. This activity meets the criteria for national objectives found at 24 CFR 570.208(a)(1) *Activities benefiting low- and moderate-income persons*.

The use of CDBG-R funds for this activity will maximize job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by:

- Preserving and creating jobs and promoting economic recovery by employing construction workers and spurring the purchase of construction materials.
  - Assisting those most impacted by the recession by providing construction jobs. Additionally, the proposed sidewalk and accessibility retrofits will help improve quality of life by providing area residents with a safer way to travel to and from neighborhood institutions such as churches, a park, and the neighborhood grocery store.
  - Providing investment needed to increase economic efficiency by improving pedestrian infrastructure to provide a viable alternative to automotive travel, which should contribute to a reduction in vehicle miles traveled (VMT). In addition to this benefit, there should also be public health benefits related to an increase in walking trips compared to vehicle trips.
  - Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits by providing safety for pedestrian traffic. There is a park located in the neighborhood and the long-term strategy is to provide a network of sidewalks throughout the area.
  - Fostering energy independence by improving pedestrian mobility and reducing vehicle use. In addition this will promote a healthier environment by increasing walk ability for the area.
- (3) Jobs Created: This activity is estimated to provide 5 full-time jobs (including permanent, construction and temporary jobs) during the life of the activity.
- (4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.) This activity will help promote energy conservation, smart growth, and reduce pollution emissions by establishing accessible pedestrian infrastructure in the area to offer alternatives to vehicle travel and associated fuel consumption.
- (5) Responsible Organization: The Shelby County Department of Housing (SCDH) is the lead agency responsible for administering this CDBG-R funded activity and will contract with

the Town of Collierville to complete this activity. SCDH will be responsible for environmental review and compliance monitoring associated with this activity.

The name, location, and contact information for the entity carrying out this activity is as follows:

Shelby County Department of Housing

1075 Mullins Station Road

Memphis, Tennessee 38134

Telephone: (901) 379-7100

Fax: (901) 379-7129

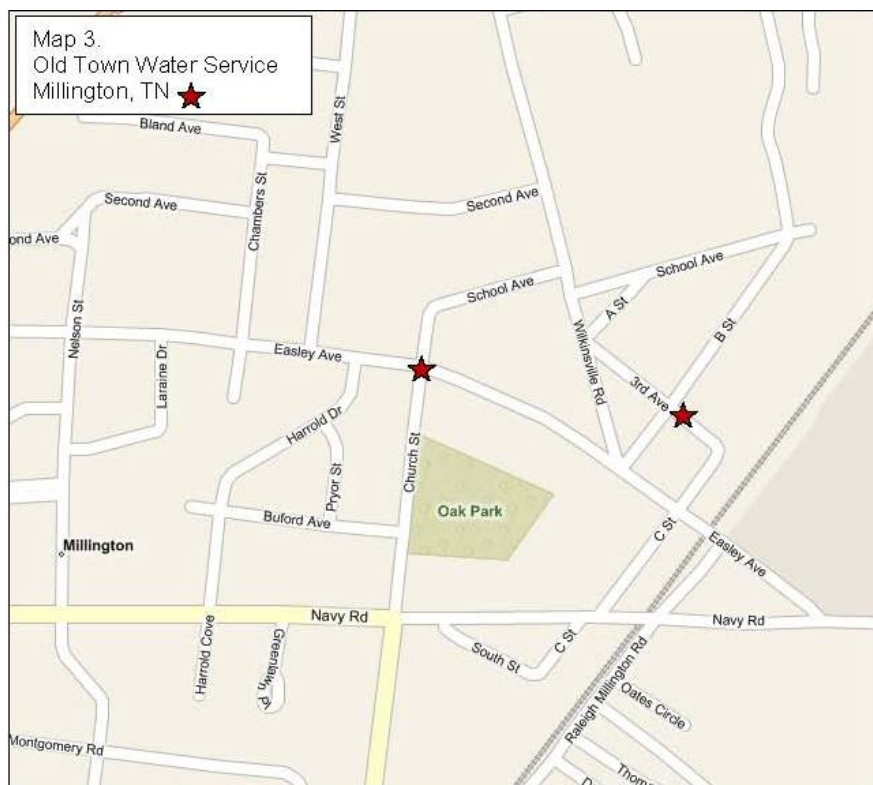
Contacts and Titles: Jim Vazquez, Administrator and Scott Walkup, Planning Manager

Contacts' e-mail addresses: [jim.vazquez@shelbycountyttn.gov](mailto:jim.vazquez@shelbycountyttn.gov)

[scott.walkup@shelbycountyttn.gov](mailto:scott.walkup@shelbycountyttn.gov)

### Activity 3.

- (1) Activity Name: **Old Town Water Service Improvements**
- (2) Activity Narrative: This activity will provide for water main upgrades in Old Town Millington including an upgraded main (4" to 6") and one new fire hydrant on B St. at Third St. and extension of 440' of 12" new main along with a 6" extension to one new fire hydrant on Easley Ave. at Church St. Map 3. depicts the location of this proposed activity.



Shelby County's use of CDBG-R funds for this activity will meet the requirements of Title XII of Division A and Section 1602 of ARRA as Shelby County has given priority to this activity because a contract can be awarded within 120 days of the grant agreement.

This activity is eligible under 24 CFR 570.201(c) *Public Facilities and Improvements*. This activity meets the criteria for national objectives found at 24 CFR 570.208(a)(1) *Activities benefiting low- and moderate-income persons*.

The use of CDBG-R funds for this activity will maximize job creation and economic benefit in relation to the CDBG-R funds obligated, and will address the Recovery Act, by:

- Preserving and creating jobs and promoting economic recovery by employing construction workers and spurring the purchase of construction materials.
  - Assisting those most impacted by the recession by providing construction jobs.
  - Providing investment needed to increase economic efficiency by improving health and safety in Old Town Millington.
  - Investing in transportation, environmental protection, or other infrastructure that will provide long-term economic benefits by improving fire protection, increasing safety, possibly reducing insurance rates, and increasing property values in the areas.
  - Minimizing or avoiding reductions in essential services by enhancing fire protection.
- (3) Jobs Created: This activity is estimated to create 16 full-time jobs (including permanent, construction and temporary jobs) during the life of the activity.
- (4) Additional Activity Information: (A description of how the activity will promote energy conservation, smart growth, green building technologies, or reduced pollution emissions, if applicable.) This activity will help promote energy conservation, smart growth, and reduce pollution emissions by enhancing fire protection. Fire protection is greatly hindered in this area as the fire hydrants are not currently fire-rated, preventing connection to City fire pumps. Installation of the new and larger water lines will provide the necessary rating for use of fire-rated hydrants compatible with City fire pumps. Therefore, if in fact a house fire ensues in this vicinity, pollution should definitely be reduced, as the fire personnel and equipment should be able to more expeditiously quench the fire.
- (5) Responsible Organization: The Shelby County Department of Housing (SCDH) is the lead agency responsible for administering this CDBG-R funded activity and will contract with

the City of Millington to complete this activity. SCDH will be responsible for environmental review and compliance monitoring associated with this activity.

The name, location, and contact information for the entity carrying out this activity is as follows:

Shelby County Department of Housing  
1075 Mullins Station Road  
Memphis, Tennessee 38134  
Telephone: (901) 379-7100  
Fax: (901) 379-7129  
Contacts' e-mail addresses: jim.vazquez@shelbycountyttn.gov  
scott.walkup@shelbycountyttn.gov

### ***C. PUBLIC COMMENT***

The following provides a summary of public comments received to the proposed CDBG-R Substantial Amendment.

**Note:** A Proposed CDBG-R Substantial Amendment must be published via the usual methods and posted on the jurisdiction's website for no less than 7 calendar days for public comment, according to HUD requirements.

In preparing this substantial amendment to the 2008 Annual Plan, SCDH has followed the citizen participation alternative requirements established in HUD's "Notice of Program Requirements for Community Development Block Grant Program Funding Under the American Recovery and Reinvestment Act of 2009". These alternative requirements provided for an expedited grant-making process, but one that still provides for public notice, appraisal, examination, and comment on the activities proposed for the use of CDBG-R grant funds.

CDBG-R activity proposals included in the substantial amendment were developed and determined by the UCC.

In accordance with the citizen participation alternative requirements, SCDH made available a draft copy of this NSP proposal for public review and comment for the seven day period beginning May 22, 2009 and ending May 28, 2009. A notice to the public regarding the review and comment period was published on Page F5 of the *Commercial Appeal* on May 22, 2009 and is shown below in Figure 1.

As published in the public notice, the draft substantial amendment for CDB-R was made available during the review and comment period on Shelby County's website ([www.shelbycountyttn.gov](http://www.shelbycountyttn.gov)). Copies of the proposal were also available for review at SCDH's office, the Memphis and Shelby County Central Library and Bartlett Branch Library, the Arlington Library, the Collierville Library, the Germantown Library, and the Millington Library.

## Figure 1.

Shelby County Department  
of Housing  
Community Development  
Block Grant Recovery  
Program  
Amendment to the  
2008 Action Plan

Certified as an "Urban County" Community Development Block Grant (CDBG) Entitlement Community by the U.S. Department of Housing and Urban Development (HUD) Shelby County Government is being awarded \$276,897.00 through a grant under Title XII of Division A of the American Recovery and Reinvestment Act of 2009 commonly referred to as the CDBG Recovery (CDBG-R) program. Funds are to be expended within the boundaries of the Urban County which is composed of Arlington, Bartlett, Collierville, Germantown, Lakeland, Millington, and unincorporated Shelby County. Shelby County proposes that the funds be used for the following community development activities in the amounts identified below:

Dixon-Robinson Water Line  
(Arlington, TN) \$132,450.00  
West Street Sidewalk Improvements (Collierville, TN) \$71,897.00  
Old Town Water Service Improvements (Millington, TN) \$52,550.00

These are eligible CDBG activities under 24 CFR 570.201(c) Public facilities and improvements meeting the national objective criteria found at 24 CFR 570.208(a)(1). Activities benefiting low- and moderate-income persons.

Acceptance of these funds by Shelby County requires a substantial amendment to the 2008 Action Plan for the use of CDBG and other entitlement grant funds. Prior to submission of the substantial amendment, Shelby County must make the amendment available for public review and comment for a 7 day period. This period will occur from May 22, 2009 through May 28, 2009 when the amendment is available for review to all interested parties and may be viewed at the Shelby County website: [www.shelbycountyttn.gov](http://www.shelbycountyttn.gov), and at the following libraries: Central, Arlington, Bartlett, Collierville, Millington, and Germantown. It may also be viewed between the hours of 8:00 a.m. through 4:30 p.m. (except Saturday, Sunday, and Memorial Day) at Shelby County Department of Housing, 1075 Mullins Station Road, Memphis, Tennessee 38134.

For more information, please call Mr. Jim Vazquez or Mr. Scott Walkup with the Shelby County Department of Housing at (901) 379-7110. Para mas información en Español, por favor llame al 901-545-4265.

A C Wharton, Jr.  
Shelby County Mayor

Attest:  
Jim Vazquez, Administrator  
Department of Housing

Although the amendment materials were published in English, all notices as well as the draft amendment for public review included contact information to provide assistance to those who speak Spanish.

During the seven day public review and comment period, SCDH received the following comment regarding the Substantial Amendment:

May 22, 2009: Sean Isham with the town of Collierville contacted Scott Walkup with SCDH by telephone to report a mistake in the description Collierville provided to SCDH for the West Street Sidewalk Improvements. The description as written in the draft available for public review read as follows:

"This activity will provide for construction of a sidewalk along the west side of West Street from Sunflower Avenue to Harris Street (approximately 500 feet) and along the south side of Harris Street from West Street to the east side of Harris Park Street (approximately 95 feet)."

Mr. Isham said the word "south" should be changed to "north". This change was made to the Substantial Amendment as submitted to HUD. No other comments were received by SCDH during the 7 day public review period.

# **CERTIFICATIONS**

(1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
  - (a) The dangers of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
  - (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:
  - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its consolidated plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current consolidated plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. It has complied with the following criteria:



1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. **Special Assessments.** The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

\_\_\_\_\_  
Signature/Authorized Official

May 29, 2009

Date

Mayor of Shelby County, Tennessee  
Title

# Grantee Checklist

*For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.*

## Contents of a CDBG-R Action Plan Substantial Amendment

<p>Jurisdiction(s): <u>Shelby County, Tennessee</u></p> <p>Jurisdiction Web Address:</p> <p><a href="http://www.shelbycountyttn.gov">www.shelbycountyttn.gov</a></p>	<p>CDBG-R Contact Persons: Jim Vazquez Scott Walkup</p> <p>Address: 1075 Mullins Station Road Memphis, TN 38104</p> <p>Telephone: (901) 379-7100 Fax: (901) 379-7129</p> <p>Email: <a href="mailto:jim.vazquez@shelbycountyttn.gov">jim.vazquez@shelbycountyttn.gov</a> <a href="mailto:scott.walkup@shelbycountyttn.gov">scott.walkup@shelbycountyttn.gov</a></p>
--	--

The elements in the substantial amendment required for the CDBG recovery funds are:

### A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes ☒ No ☐ Verification found on page **5 (and Excel version attached)**

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes ☒ No ☐ Date Spreadsheet was emailed: **6/3/09**

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,  
Yes ☒ No ☐ Verification found on page(s) 5
- the Eligibility citation (eligibility regulatory cite or HCDA cite),  
Yes ☒ No ☐ Verification found on page(s) 5

- the CDBG national objective citation,  
Yes ☒ No ☐ Verification found on page(s) 5

#### ***B. CDBG-R INFORMATION BY ACTIVITY***

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,  
Yes ☒ No ☐ Verification found on page(s) 5 - 10
- projected number of jobs created for each activity,  
Yes ☒ No ☐ Verification found on page(s) 6, 8, & 10
- whether an activity will promote energy efficiency and conservation,  
Yes ☒ No ☐ Verification found on page(s) 6, 8, & 10
- the name, location, and contact information for the entity that will carry out the activity,  
Yes ☒ No ☐ Verification found on page(s) 7, 9, & 11
- evidence that no more than 10% of the grant amount will be spent on administration and planning,  
Yes ☒ No ☐ Verification found on page (s) 3 & 5
- evidence that no more than 15% of the grant amount will be spent on public services,  
Yes ☒ No ☐ Verification found on page (s) 3 & 5
- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,  
Yes ☒ No ☐ Verification found on page (s) 5

#### ***C. PUBLIC COMMENT PERIOD***

Was the proposed action plan amendment published via the jurisdiction's usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes ☒ No ☐ Verification found on page(s) 3, 11, & 12

Is there a summary of citizen comments included in the final amendment?

Yes ☒ No ☐ Verification found on page(s) 13

#### ***D. CERTIFICATIONS***

The following certifications are complete and accurate:

- |   |   |                             |
|---|---|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| (3) Drug-free Workplace                   | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

(4) Anti-lobbying	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(5) Authority of jurisdiction	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(6) Consistency with plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(7) Section 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(8) Community development plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(9) Following a plan	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(10) Use of Funds	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(11) Excessive Force	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(12) Compliance with anti-discrimination laws	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(13) Lead-based paint procedures	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(14) Compliance with laws	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(15) Compliance with ARRA	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(16) Project selection	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(17) Timeliness of infrastructure investments	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(18) Buy American provision	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(19) Appropriate use of funds for infrastructure investments	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(20) 70% of CDBG-R for LMI	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Optional Certification

(21) Urgent Need

**Not Applicable**